

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

<b>JAMES MARKS, ET AL</b>	*	<b>CIVIL NO. 6:15-1735</b>
<b>VERSUS</b>	*	<b>JUDGE DOHERTY</b>
<b>WESTWIND HELICOPTERS, INC.</b>	*	<b>MAGISTRATE JUDGE WHITEHURST</b>

**REPORT AND RECOMMENDATION**

Pending before me for report and recommendation is Rolls-Royce Corporation's ("Rolls-Royce") Fed. R. Civ. P. 12(b)(2) and 12(b)(6) Motion to Dismiss Plaintiffs Shannon James ("James"), Canard Powell ("Powell"), and Joey Ganson's ("Ganson") First Amended Complaint for Damages, filed on September 30, 2015 [rec. doc. 53]. Plaintiffs filed opposition on October 28, 2015 [rec. doc. 64]. Rolls-Royce filed a reply on November 6, 2015 [rec. doc. 73]. Oral argument was held on December 7, 2015, after which I took the motion under advisement.

For the reasons set forth in the Report and Recommendation issued on Rolls-Royce Corporation's ("Rolls-Royce") Fed. R. Civ. P. 12(b)(2) and 12(b)(6) Motion to Dismiss Plaintiff James Marks' ("Marks") First Amended Complaint for Damages [rec. doc. 52] issued on January 20, 2016 [rec. doc. 78], it is recommended that the Motion [rec. doc. 53] be **DENIED**.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and F.R.Civ.Proc.72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FACTUAL FINDINGS AND/OR THE PROPOSED LEGAL CONCLUSIONS REFLECTED IN THIS REPORT AND RECOMMENDATION WITHIN FOURTEEN (14) DAYS FOLLOWING THE DATE OF ITS SERVICE, OR WITHIN THE TIME FRAME AUTHORIZED BY FED.R.CIV.P. 6(b), SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING THE FACTUAL FINDINGS OR THE LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT, EXCEPT UPON GROUNDS OF PLAIN ERROR. *DOUGLASS V. UNITED SERVICES AUTOMOBILE ASSOCIATION*, 79 F.3D 1415 (5TH CIR. 1996).**

Signed this 20<sup>th</sup> day of January, 2016, at Lafayette, Louisiana.



CAROL B. WHITEHURST  
UNITED STATES MAGISTRATE JUDGE